

AMENDMENT TO H.R.

OFFERED BY M_r. DeGETT

(Page & line nos. refer to Committee Print of 6/13/03)

After section 614 [page 187, after line 31], insert the following new section (and conform the table of contents accordingly):

1 SEC. 615. COVERAGE OF COUNSELING FOR CESSATION OF
2 TOBACCO USE UNDER THE MEDICARE PRO-
3 GRAM.

4 (a) COVERAGE.—Section 1861(s)(2) (42 U.S.C.
5 1395x(s)(2)), as amended by sections 611 and 612, is
6 amended—

7 (1) in subparagraph (W), by striking “and” at
8 the end;

9 (2) in subparagraph (X), by adding “and” at
10 the end; and

11 (3) by adding at the end the following new sub-
12 paragraph:

13 “(Y) counseling for cessation of tobacco use (as
14 defined in section 1861(yy));”.

15 (b) SERVICES DESCRIBED.—Section 1861 (42 U.S.C.
16 1395x), as amended by sections 611 and 612, is further
17 amended by adding at the end the following new sub-
18 section:

1 “Counseling for Cessation of Tobacco Use

2 “(yy)(1) Subject to paragraph (2), the term ‘coun-
3 seling for cessation of tobacco use’ means diagnostic, ther-
4 apy, and counseling services for cessation of tobacco use,
5 for individuals who use tobacco products or are being
6 treated for tobacco use, furnished—

7 “(A) by or under the supervision of a physician;
8 or

9 “(B) by any other health care professional
10 who—

11 “(i) is legally authorized to furnish such
12 services under State law (or the State regu-
13 latory mechanism provided by State law) of the
14 State in which the services are furnished; and

15 “(ii) is authorized to receive payment for
16 other services under this title or is designated
17 by the Secretary for this purpose.

18 “(2) Such term is limited to—

19 “(A) services that are included in the most cur-
20 rent clinical practice guidelines on treating tobacco
21 use and dependence issued by the Public Health
22 Service; and

23 “(B) such other services that the Secretary rec-
24 ognizes to be effective.”.

1 (c) PAYMENT AND ELIMINATION OF COST-SHAR-
2 ING.—

3 (1) ELIMINATION OF COINSURANCE.—Section
4 1833(a)(1) (42 U.S.C. 1395l(a)(1)) is amended—

5 (A) by striking “and” before “(U)”; and

6 (B) by inserting before the semicolon at
7 the end the following: “, and (V) with respect
8 to counseling for cessation of tobacco use (as
9 defined in section 1861(ww)), the amount paid
10 shall be 100 percent of the lesser of the actual
11 charge for the service or the amount determined
12 by a fee schedule established by the Secretary
13 for purposes of this clause”.

14 (2) ELIMINATION OF DEDUCTIBLE.—The first
15 sentence of section 1833(b) (42 U.S.C. 1395l(b)), as
16 amended by sections 611 and 613, is amended—

17 (A) by striking “and” before “(8)”; and

18 (B) by inserting before the period the fol-
19 lowing: “, and (9) such deductible shall not
20 apply with respect to counseling for cessation of
21 tobacco use (as defined in section 1861(yy))”.

22 (3) ELIMINATION OF COINSURANCE IN OUT-
23 PATIENT HOSPITAL SETTINGS.—The third sentence
24 of section 1866(a)(2)(A) (42 U.S.C.
25 1395cc(a)(2)(A)), is amended by inserting after

1 “1861(s)(10)(A)” the following: “, with respect to
2 counseling for cessation of tobacco use (as defined in
3 section 1861(yy)),”.

4 (d) EFFECTIVE DATE.—The amendments made by
5 this section shall apply to services furnished on or after
6 January 1, 2004.